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Subject: FW: comment on Proposed Changes to Indigent Defense Standards
Date: Monday, October 21, 2024 1:00:18 PM

From: Caroline Mann <cmann@snocopda.org>
Sent: Monday, October 21, 2024 12:57 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: RE: comment on Proposed Changes to Indigent Defense Standards

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To the Supreme Court -

I am writing to submit a comment regarding proposed changes to Washington's indigent defense standards.

In order to realize the constitutional guarantees of a right to effective legal counsel and the right to speedy trial, this Court should adopt the proposed changes to indigent defense standards.

As a public defender of many years standing, I am familiar with the dedication and commitment of most public defenders to giving their best efforts to representing their clients. When public defense attorneys have too many cases or insufficient support staff to conduct critical case work, cases languish and clog up court dockets and omnibus calendars. Most troublingly, indigent defendants waive their right to a speedy trial over and over and over again, because effectively, they have to choose between waiving their right to a prepared attorney or waiving their speedy trial right. Many clients have to reluctantly waive their speedy trial rights to accommodate their attorney's inability to be prepared on time. From a defendant's perspective, their attorney doesn't have time for them or doesn't care about their case. They don't understand, nor should they, that their attorney is necessarily triaging the attorney's caseload to focus on their most pressing matters, and clients have to wait their turn, no matter how much the attorney might wish it otherwise. This is deeply frustrating for all parties involved. It also seriously undermines public trust in a swift, functional criminal legal system. The personal costs on the over-burdened attorneys are substantial: burnout, stress, time with their families, and the feeling that they are failing their clients, just to name a few, are unfortunately common.

Current caseload demands on public defenders threaten their ability to fulfill their duty to their clients and the court, and the Bar. RPC 1.1 requires each attorney to "provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." Thoroughness and preparation require, at a minimum, time, which current caseload demands do not afford. See also, RPC 1.3. Criminal defense is much more complicated now. Forensic evidence has added a major source of additional work in many cases. Sadly, many wrongful convictions have occurred because public defenders

don't have the time or resources to properly examine the evidence in the prosecution's case. In addition to the human cost of a wrongful conviction, the cost to the system itself is very high – at the least, it undermines public trust in the criminal justice system

The current caseload demands represent a serious systemic failure that we are all responsible for remedying. The proposed changes would promote justice, fairness, and equity, and would represent a meaningful step forward toward addressing some of our legal system's failures. Some counties and municipalities have voiced concerns over the expenses associated with implementing the proposed revisions. It may be that cities and counties have to make more considered choices about which cases merit prosecution in light of the constitutional obligation to provide adequate resources for a defense, or that the efforts of localities to have the state provide more funding begin to see more legislative success. Local officials concerned with rising costs of criminal prosecutions might also consider pursuing proven crime prevention strategies such as community-based programming and violence interruption programs in order to most efficiently and economically promote community safety

Caroline Mann
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